



# House of Representatives

General Assembly

**File No. 513**

*January Session, 2013*

Substitute House Bill No. 6633

*House of Representatives, April 15, 2013*

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING CAMPAIGN FINANCE LAW AND PRIOR BAD ACTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (3) of subsection (a) of section 9-7b of the  
2 general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (3) (A) To issue an order requiring any person the commission finds  
5 to have received any contribution or payment which is prohibited by  
6 any of the provisions of chapter 155 or 157, after an opportunity to be  
7 heard at a hearing conducted in accordance with the provisions of  
8 sections 4-176e to 4-184, inclusive, to return such contribution or  
9 payment to the donor or payor, or to remit such contribution or  
10 payment to the state for deposit in the General Fund or the Citizens'  
11 Election Fund, whichever is deemed necessary to effectuate the  
12 purposes of chapter 155 or 157, as the case may be;

13 (B) To issue an order when the commission finds that an intentional  
14 violation of any provision of chapter 155 or 157 has been committed,  
15 after an opportunity to be heard at a hearing conducted in accordance  
16 with sections 4-176e to 4-184, inclusive, which order may contain one  
17 or more of the following sanctions: (i) Removal of a campaign  
18 treasurer, deputy campaign treasurer or solicitor; (ii) prohibition on  
19 serving as a campaign treasurer, deputy campaign treasurer or  
20 solicitor; [ for a period not to exceed four years;] and (iii) in the case of  
21 a party committee or a political committee, suspension of all political  
22 activities, including, but not limited to, the receipt of contributions and  
23 the making of expenditures, provided the commission may not order  
24 such a suspension unless the commission has previously ordered the  
25 removal of the campaign treasurer and notifies the officers of the  
26 committee that the commission is considering such suspension;

27 (C) To issue an order revoking any person's eligibility to be  
28 appointed or serve as an election, primary or referendum official or  
29 unofficial checker or in any capacity at the polls on the day of an  
30 election, primary or referendum, when the commission finds such  
31 person has intentionally violated any provision of the general statutes  
32 relating to the conduct of an election, primary or referendum, after an  
33 opportunity to be heard at a hearing conducted in accordance with  
34 sections 4-176e to 4-184, inclusive;

35 (D) To issue an order to enforce the provisions of the Help America  
36 Vote Act, P.L. 107-252, as amended from time to time, as the  
37 commission deems appropriate;

38 (E) To issue an order following the commission's determination of  
39 the right of an individual to be or remain an elector when such  
40 determination is made (i) pursuant to an appeal taken to the  
41 commission from a decision of the registrars of voters or board of  
42 admission of electors under section 9-31l, or (ii) following the  
43 commission's investigation pursuant to subdivision (1) of this  
44 subsection;

45 (F) To issue a cease and desist order for violation of any general

46 statute or regulation under the commission's jurisdiction and to take  
47 reasonable actions necessary to compel compliance with such statute  
48 or regulation;

49 Sec. 2. Subsection (d) of section 9-606 of the general statutes is  
50 repealed and the following is substituted in lieu thereof (*Effective from*  
51 *passage*):

52 (d) No person shall act as a campaign treasurer or deputy campaign  
53 treasurer (1) unless the person is an elector of this state, the person has  
54 paid any civil penalties or forfeitures assessed pursuant to chapters 155  
55 to 157, inclusive, and a statement, signed by the chairman in the case of  
56 a party committee or political committee or by the candidate in the  
57 case of a candidate committee, designating the person as campaign  
58 treasurer or deputy campaign treasurer, has been filed in accordance  
59 with section 9-603, and (2) if such person has been convicted of or pled  
60 guilty or nolo contendere to, in a court of competent jurisdiction, any  
61 (A) felony involving fraud, forgery, larceny, embezzlement or bribery,  
62 or (B) criminal offense under this title, unless at least eight years have  
63 elapsed from the date of the conviction or plea or the completion of  
64 any sentence, whichever date is later, without a subsequent conviction  
65 of or plea to another such felony or offense. In the case of a political  
66 committee, the filing of a statement of organization by the chairman of  
67 the committee, in accordance with the provisions of section 9-605, shall  
68 constitute compliance with the filing requirements of this section. No  
69 provision of this subsection shall prevent the campaign treasurer,  
70 deputy campaign treasurer or solicitor of any committee from being  
71 the campaign treasurer, deputy campaign treasurer or solicitor of any  
72 other committee or prevent any committee from having more than one  
73 solicitor, but no candidate shall have more than one campaign  
74 treasurer. A candidate shall not serve as the candidate's own campaign  
75 treasurer or deputy campaign treasurer, except that a candidate who is  
76 exempt from forming a candidate committee under subsection (b) of  
77 section 9-604 and has filed a certification that the candidate is financing  
78 the candidate's campaign from the candidate's own personal funds or  
79 is not receiving or expending in excess of one thousand dollars may

80 perform the duties of a campaign treasurer for the candidate's own  
81 campaign.

82 Sec. 3. Subsection (a) of section 9-706 of the general statutes is  
83 amended by adding subdivision (5) as follows (*Effective from passage*):

84 (NEW) (5) Notwithstanding the provisions of this subsection, no  
85 candidate may apply to the State Elections Enforcement Commission  
86 for a grant from the fund under the Citizens' Election Program if such  
87 candidate has been convicted of or pled guilty or nolo contendere to, in  
88 a court of competent jurisdiction, any (A) criminal offense under this  
89 title unless at least eight years have elapsed from the date of the  
90 conviction or plea or the completion of any sentence, whichever date is  
91 later, without a subsequent conviction of or plea to another such  
92 offense, or (B) a felony related to the individual's public office, other  
93 than an offense under this title in accordance with subparagraph (A) of  
94 this subdivision.

95 Sec. 4. Subsection (b) of section 9-706 of the general statutes is  
96 repealed and the following is substituted in lieu thereof (*Effective from*  
97 *passage*):

98 (b) The application shall include a written certification that:

99 (1) The candidate committee has received the required amount of  
100 qualifying contributions;

101 (2) The candidate committee has repaid all moneys borrowed on  
102 behalf of the campaign, as required by subsection (b) of section 9-710;

103 (3) The candidate committee has returned any contribution of five  
104 dollars or more from an individual who does not include the  
105 individual's name and address with the contribution;

106 (4) The candidate committee has returned all contributions or  
107 portions of contributions that do not meet the criteria for qualifying  
108 contributions under section 9-704 and transmitted all excess qualifying  
109 contributions to the Citizens' Election Fund;

110 (5) The campaign treasurer of the candidate committee will: (A)  
111 Comply with the provisions of chapters 155 and 157, and (B) maintain  
112 and furnish all records required pursuant to chapters 155 and 157 and  
113 any regulation adopted pursuant to such chapters;

114 (6) All moneys received from the Citizens' Election Fund will be  
115 deposited upon receipt into the depository account of the candidate  
116 committee;

117 (7) The campaign treasurer of the candidate committee will expend  
118 all moneys received from the fund in accordance with the provisions of  
119 subsection (g) of section 9-607 and regulations adopted by the State  
120 Elections Enforcement Commission under subsection (e) of this  
121 section; [and]

122 (8) If the candidate withdraws from the campaign, becomes  
123 ineligible or dies during the campaign, the candidate committee of the  
124 candidate will return to the commission, for deposit in the fund, all  
125 moneys received from the fund pursuant to sections 9-700 to 9-716,  
126 inclusive, which said candidate committee has not spent as of the date  
127 of such occurrence; [.]

128 (9) All outstanding civil penalties or forfeitures assessed pursuant to  
129 chapters 155 to 157, inclusive, against the current or any former  
130 committee of the candidate have been paid;

131 (10) The treasurer has paid any civil penalties or forfeitures assessed  
132 pursuant to chapters 155 to 157, inclusive, and has not been convicted  
133 of or pled guilty or nolo contendere to, in a court of competent  
134 jurisdiction, any (A) felony involving fraud, forgery, larceny,  
135 embezzlement or bribery, or (B) criminal offense under this title, unless  
136 at least eight years have elapsed from the date of the conviction or plea  
137 or the completion of any sentence, whichever date is later, without a  
138 subsequent conviction of or plea to another such felony or offense;

139 (11) The candidate has not been convicted of or pled guilty or nolo  
140 contendere to, in a court of competent jurisdiction, a criminal offense

141 under this title unless at least eight years have elapsed from the date of  
142 the conviction or plea or the completion of any sentence, whichever  
143 date is later, without a subsequent conviction of or plea to another  
144 such offense; and

145 (12) The candidate has never been convicted of or pled guilty or  
146 nolo contendere to, in a court of competent jurisdiction, a felony  
147 related to the individual's public office, other than a criminal offense  
148 under this title in accordance with subdivision (11) of this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	9-7b(a)(3)
Sec. 2	<i>from passage</i>	9-606(d)
Sec. 3	<i>from passage</i>	9-706(a)
Sec. 4	<i>from passage</i>	9-706(b)

**GAE**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill, which modifies the criteria for eligibility to serve as a campaign treasurer or deputy campaign treasurer, has no fiscal impact.

The bill also eliminates the limit on the amount of time that the State Elections Enforcement Commission can prohibit a person from serving as a campaign treasurer, deputy treasurer, or solicitor and amends the certifications that must be included on an application for grants from the Citizens Election Fund. These changes have no fiscal impact to the state or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

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**OLR Bill Analysis****sHB 6633*****AN ACT CONCERNING CAMPAIGN FINANCE LAW AND PRIOR BAD ACTS.*****SUMMARY:**

This bill prohibits individuals who have been convicted of, or pled guilty or nolo contendere to, certain felonies or state election law criminal offenses from (1) serving as campaign treasurers or deputy treasurers or (2) applying for a grant under the Citizens' Elections Program (CEP). In most cases the prohibition lasts for eight years after the conviction, plea, or sentence completion. The bill establishes similar prohibitions for individuals (or candidate committees, in the case of grant applications) who have unpaid campaign finance civil penalties or forfeitures.

In addition, the bill authorizes the State Elections Enforcement Commission (SEEC), after providing an opportunity for a hearing, to prohibit an individual from serving as a treasurer, deputy treasurer, or solicitor indefinitely when it finds he or she has intentionally violated state campaign finance law. Currently, SEEC may prohibit such an individual from serving in these roles for up to four years.

EFFECTIVE DATE: Upon passage

**TREASURER AND CEP CANDIDATE PROHIBITIONS**

Existing law requires that campaign treasurers, deputy treasurers, and candidates for public office be state electors. Thus, it prohibits an individual who has been convicted and imprisoned for a felony from serving as a treasurer or deputy, or being a candidate, until his or her electoral privileges are restored (see BACKGROUND).



***Treasurers***

The bill extends the prohibition on serving as a treasurer or deputy treasurer to individuals who have:

1. unpaid civil penalties or forfeitures assessed under state campaign finance laws or
2. been convicted of or pled guilty or nolo contendere to a (a) felony involving fraud, forgery, larceny, embezzlement, or bribery or (b) state election law criminal offense (felony or misdemeanor), unless eight years have elapsed since the conviction, plea, or sentence completion, whichever is latest, without a subsequent conviction or plea.

***CEP Candidates***

The bill prohibits participating CEP candidates from applying for a public financing grant if they have been convicted of, or pled guilty or nolo contendere to:

1. a state election law criminal offense, unless eight years have elapsed since the conviction, plea, or sentence completion, whichever is latest, without a subsequent conviction or plea or
2. for office holders, a felony related to their public office, other than one described above.

**CEP GRANT CERTIFICATIONS**

By law, participating candidates and their treasurers jointly submit the CEP grant application. The application includes several written certifications that they must initial under penalty of false statement. SEEC may deem an application incomplete if any of the certifications are missing, thus delaying its review and any grant disbursement.

In addition to the certifications required by existing law, the bill requires applications to include certifications that (1) the candidate and his or her treasurer are in compliance with all the above-listed prohibitions and (2) the candidate's committee (current or former) has

paid any civil penalties or forfeitures assessed under state campaign finance laws.

## **BACKGROUND**

### ***Electoral Status***

An individual forfeits his or her right to be an elector upon conviction of a felony and commitment to any state or federal prison. The right may be restored after the individual has paid all fines and completed any required prison and parole time (CGS §§ 9-46 and -46a).

### ***Related Bill***

sSB 1118, favorably reported by the Government Administration and Elections Committee, generally prohibits individuals who have committed similar offenses from becoming election moderators or alternate moderators.

## **COMMITTEE ACTION**

Government Administration and Elections Committee

Joint Favorable Substitute

Yea    14    Nay   0    (03/27/2013)